IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.298 OF 2006

IN

SUMMARY SUIT NO.1795 OF 2004

M/s.Powergear Ltd. ... Plaintiff

vs.

M/s.Batliboi Environmental Engineering Ltd. ... Defendant.

Ms.U.Srivastava i/b. M/s.Consulta Juris, for Plaintiff.

Mr.Swapnil Bangur i/b. V.Deshpande & Co., for Defendant.

CORAM: D.K.DESHMUKH,J.

DATED: 26th September,2006

P.C.:-

1. Heard the learned Counsel appearing for both the sides. The goods for price of which the suit has been filed, were supplied in the year 1999. The plaint has been lodged on 22.6.2004. In paragraph 12 of the plaint, the plaintiff relies on the message dated 19.10.2001 to claim that the period of limitation was extended. But perusal of that message shows that it was made

without prejudice to its right and contention in the company petition. Prima facie it appears that the message will not extend the period of limitation. Obviously, there is good defence available to the defendant. The summons for judgment is therefore, disposed of. The defendant is granted unconditional leave to defend the suit. Written statement be filed within a period of four weeks from today.